

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 3518 - SB 3695**

March 1, 2010

**SUMMARY OF BILL:** Broadens the definition of child abuse and child neglect or endangerment to include placing the child at a substantial risk of injury or harm.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – Not Significant**

**Increase State Expenditures - \$171,400/Incarceration\***

**Increase Local Revenue – Not Significant**

**Increase Local Expenditures – Not Significant**

Assumptions:

- Currently it is a Class A misdemeanor for a person knowingly, other than by accidental means, to treat a child under the age of 18 in such a manner as to inflict injury. If the abused child is eight years old or less, the penalty is a Class D felony.
- According to the Department of Correction (DOC), there has been an average of 38 admissions for child abuse and child neglect or endangerment in each of the past 10 years. DOC estimates a 10 percent increase in Class D felony admissions as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant increase in incarceration costs during this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on four additional offenders.
- According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class D felony is 1.96 years (715.89 days). The cost per offender at 1.96 years is \$42,853.18 (\$59.86 x 715.89 days). The total additional operating cost for four offenders is \$171,412.72 (\$42,853.18 x 4).
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.
- Any increase in caseloads for state trial courts can be accommodated within existing resources without an increased appropriation.

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- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenders is negligible. There will not be a significant increase in state revenue as a result.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc